

Entered - 07/29/03 - sb  
CL - 03L0618 LISA CARTER

CLAIM OF: PATRICIA A. RUMSEY

379 Collier Road, NW  
Atlanta, Georgia 30309

04-R-0296

For damages alleged to have been sustained as a result of a  
storm water overflow on June 30, 2003 at 379 Collier Road.

THIS ADVERSED REPORT IS  
APPROVED

BY:

JERRY L. DELOACH  
DEPUTY CITY ATTORNEY

MAR 01 2004

MAR 01 2004

## ADVERSE REPORT

CITY SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE:

CHAIR:

Hand Shook  
C. J. Martin  
Carla Smith

MAR 01 2004



## OFFICE OF MUNICIPAL CLERK

March 5, 2004

RHONDA DAUPHIN JOHNSON, CMC  
MUNICIPAL CLERK

Patricia A. Rumsey  
379 Collier Rd., NW  
Atlanta, GA 30309

55 TRINITY AVENUE, S.W.  
SECOND FLOOR, EAST  
SUITE 2700  
ATLANTA, GEORGIA 30335  
(404) 330-6033  
FAX (404) 658-6103

04-R-0296

Dear Ms. Rumsey:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 01, 2004. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,

Rhonda Dauphin Johnson, CMC  
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 03L0618

Date: February 10, 2004

Claimant /Victim PATRICIA A. RUMSEY

BY: (Atty) (Ins. Co.) \_\_\_\_\_

Address: 379 Collier Road, NW Atlanta, Georgia 30309

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 3,300.00 - 3,500.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 07/22/03 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 06/30/03 Place: 379 Collier Road

Department Watershed Management Bureau: \_\_\_\_\_ Division: Sewer Operations

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimant alleges that she sustained damages as a result of a storm water overflow due to a sunken curb at 379 Collier Road. The city had no notice of any problems prior to this incident. Furthermore, the property owner has the primary responsibility for maintenance of the curb abutting her property. The city is immune from liability as set forth in O.C.G.A. §36-33-1.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures X Diagrams \_\_\_\_\_ Reports: Police \_\_\_\_\_ Dept Report X Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other X Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement \_\_\_\_\_

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

Claimant Negligent \_\_\_\_\_ City Negligent \_\_\_\_\_ Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

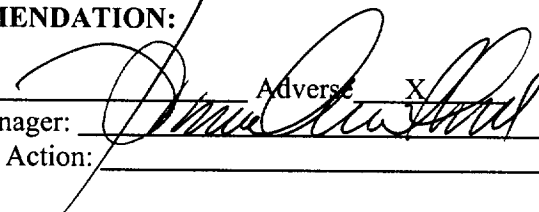
Respectfully submitted,



INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ \_\_\_\_\_ Adverse X Account charged: 1A01 \_\_\_\_\_ 2J01 \_\_\_\_\_ 2H01 \_\_\_\_\_

Claims Manager:  Concur/date 02/12/04

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

RCS# 5475  
3/01/04  
3:54 PM

Atlanta City Council

Regular Session

CONSENT I                    CONSENT I , EXCEPT: 04-O-0328,04-O-0047  
                              04-O-0221,04-R-0309,04-O-0324,04-O-0216  
                                      ADOPT

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
EXCUSED: 0  
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	NV Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

<b>3-01-04 Council Meeting</b>	
<b>ITEMS ADOPTED ON CONSENT</b>	<b>ITEMS ADOPTED ON CONSENT</b>
1. 04-O-0324 2. 04-O-0328 3. 04-O-0332 4. 04-O-0337 5. 04-O-0338 6. 04-O-0339 7. 04-O-0155 8. 04-O-0047 9. 04-O-0221 10. 04-O-0251 11. 04-R-0039 12. 04-R-0305 13. 04-R-0306 14. 04-R-0307 15. 04-R-0308 16. 04-R-0353 17. 04-R-0298 18. 04-R-0301 19. 04-R-0313 20. 04-R-0344 21. 04-R-0345 22. 04-R-0366 23. 04-R-0248 24. 04-R-0297 25. 04-R-0325 26. 04-R-0326 27. 04-R-0336 28. 04-R-0343 29. 04-R-0355 30. 04-R-0299 31. 04-R-0316 32. 04-R-0062 33. 04-R-0302 34. 04-R-0303 35. 04-R-0304 36. 04-R-0309 37. 04-R-0354 38. 04-R-0275 39. 04-R-0276 40. 04-R-0277	41. 04-R-0278 42. 04-R-0279 43. 04-R-0280 <b>ITEMS ADVERSED ON CONSENT</b> 44. 04-R-0281 45. 04-R-0282 46. 04-R-0283 47. 04-R-0284 48. 04-R-0285 49. 04-R-0286 50. 04-R-0287 51. 04-R-0288 52. 04-R-0289 53. 04-R-0290 54. 04-R-0291 <b>55.</b> 04-R-0292 56. 04-R-0293 57. 04-R-0294 58. 04-R-0295 59. 04-R-0296